

**REMARKS**

No new matter has been added in making the above amendments. Support for the amendments to Claims 1 and 16 can be found at page 4, line 20, to page 6, line 2, for example.

The Applicant respectfully requests reconsideration of the claims in view of the above amendments and the following remarks.

**Claims 13-17**

The Examiner rejected Claims 13-17 under 35 U.S.C. § 112 on the basis that the claimed invention, which is allegedly directed to the use of a pattern generation system, is indefinite because it merely recites a use without any active, positive steps delimiting how the use is actually practiced.

The Examiner also rejected Claims 13-17 under 35 U.S.C. § 101 on the basis that the claimed invention is an improper definition of a process, as the claims recite a use without setting out steps involved in the use.

The Applicant has now cancelled independent Claim 13 and dependent Claims 14 and 15.

The Applicant has also amended independent Claim 16. Claim 16 as now presented and dependent Claim 17 are clearly directed to a system, rather than a use of a system. The claims therefore do not require active, positive steps of a use to be recited to be definite under 35 U.S.C. § 112. Also, because the claims recite a system, the claimed invention falls under one or more of the statutory categories ‘machine, manufacture,

and composition of matter' under 35 U.S.C. § 101, rather than a 'process' under 35 U.S.C. § 101.

**Claims 20 and 24**

The Examiner rejected Claims 20 and 24 under 35 U.S.C. § 112 on the basis that the claimed invention is indefinite for failing to particularly point out and distinctively claim the subject matter regarded as the invention.

The Examiner noted that the use of the term "preceding claims" in Claim 20, which recited "Apparatus which implements a screen system or which implements a method according to any one of the preceding claims", rendered the claim unclear because some of the preceding claims were not method claims, and some were not screen-system claims.

The Applicant has now amended Claim 20 to distinctively claim an apparatus implementing a screen system according to any one of Claims 1-7, 16 and 17. The Applicant has added a new Claim 25 to distinctively claim an apparatus implementing a method of any one of Claims 8-12, 18 and 19.

Claim 24 is dependent on Claim 20 and distinctively claims a halftone image produced by the apparatus of Claim 20. The Applicant has added a new Claim 26, which distinctively claims a halftone image produced by the apparatus of new Claim 25.

**Claims 1-7, 13-17 and 22-24**

The Examiner rejected Claims 1-7, 13-17 and 22-24 under 35 U.S.C. § 102(b) on the basis that the claimed invention is anticipated by WO 90/10991 (Coderch).

The Examiner noted that the claims that are directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. This follows the decision of *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997).

Coderch is said to disclose a processor configured to take a digital image data input and generate a halftone image pattern. The Examiner found the claims above to be anticipated by Coderch because the features of the claims are allegedly distinguished from Coderch only in terms of function.

The Applicant has amended independent Claims 1 and 16 such that the plurality of screens having the recited features are presented as structural, rather than functional, features. One of the stated features is the feature of printing areas extending to join first along directions other than that of their closest spacing. The Examiner noted, with reference to Claim 8, that this feature is not taught or suggested in the prior art. Independent Claims 1 and 16 that include this feature as a structural feature must therefore be allowable over the prior art.

Claim 2-7 and 17 are either directly or indirectly dependent on one of the independent claims above. Claims 13, 14 and 15 have been cancelled.

Claims 22-24 are dependent on Claims 8, 18, and 20, respectively. Each of Claims 8, 18 and 20 are directed to a process that results in the production of patterns that have printing areas that extend to join first along directions other than that of their closest spacing. The halftone images of Claims 22-24, therefore, will have printing areas that are extended to join first along directions other than that of their closest spacing. This is a structural feature that is not taught or suggested in the prior art, as accepted by the

**Application No. 09/936,530  
Docket No. 0074-450511**

**Group Art Unit 2625  
Confirmation No. 7087**

Examiner. The halftone images of Claims 22-24 therefore are not anticipated by the prior art.

**Claims 8-12, 18 and 19**

Claims 8-12, 18 and 19 were allowed by the Examiner in the official action.

**CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that all of the claims of this application are in condition for allowance. The Applicant respectfully requests that the Examiner reconsider and allow the application in the light of the amendments to the claims and the remarks presented hereinabove.

Respectfully submitted,

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